रजिस्ट्री सं० डी० एल० 33004/93 REGISTERED No. DL-33004/93

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 1
PART II—Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 113] नई दिल्ली, शुक्रवार, अक्तूबर 1, 1993/ भाद्र 10, 1915
No. 113] NEW DELHI, FRIDAY, OCTOBER 1, 1993/BHADRA 10, 1915

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Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 1st October, 1993/Bhadra 10, 1915 (Saka)

THE CHIEF ELECTION COMMISSIONER AND OTHER ELECTION COMMISSIONERS (CONDITIONS OF SERVICE) AMENDMENT ORDINANCE, 1993

No. 32 OF 1993

Promulgated by the President in the Forty-fourth Year of the Republic of India.

An Ordinance to amend the Chief Election Commissioner and other Election Commissioners (Conditions of Service) Act, 1991.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action:

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

Short title and commencement.

1. (*1*) This Ordinance may be called the Chief Election Commissioner and other Election Commissioners (Conditions of Service) Amendment Ordinance, 1993.

(*2*) It shall come into force at once.

Amendment of long title.

2. In the Chief Election Commissioner and other Election Commissioners (Conditions of Service) Act, 1991 (hereinafter referred to as the principal Act), in the long title, for the words "and for matters", the words "and to provide for the procedure for transaction of business by the Election Commission and for matters" shall be substituted.

11 of 1991.

Amendment of section 1.

3. In section 1 of the principal Act, for the words and brackets "the Chief Election Commissioner and other Election Commissioners (Conditions of Service)", the words and brackets "the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business)" shall be substituted.

Amendment of section 2.

4. In section 2 of the principal Act, clause (b) shall be re-numbered as clause (c) and before clause (c) as so re-numbered, the following clause shall be inserted, namely:—

'(b) "Election Commission" means the Election Commission referred to in article 324 of the Constitution;'.

Amendment of section 3.

5. In section 3 of the principal Act,—

(a) in sub-section (1),—

(i) the brackets and figure "(1)" shall be omitted;

(ii) after the words "Chief Election Commissioner", the words "and other Election Commissioners" shall be inserted;

(b) in sub-section (2), the brackets, figure and words "(2) There shall be paid to an Election Commissioner a salary which is equal to the salary of a Judge of a High Court:" shall be omitted.

Amendment of section 4.

6. In section 4 of the principal Act, for the first proviso, the following proviso shall be substituted, namely:—

"Provided that where the Chief Election Commissioner or an Election Commissioner attains the age of sixty-five years before the expiry of the said term of six years, he shall vacate his office on the date on which he attains the said age:".

Amendment of section 6.

7. In section 6 of the principal Act,—

(a) in sub-section (2),—

(i) after the words "Chief Election Commissioner", the words "or an Election Commissioner" shall be inserted;

(ii) for the word, brackets and figure "sub-section (4)", the word, brackets and figure "sub-section (3)" shall be substituted;

(b) sub-section (3) shall be omitted;

(c) sub-section (4) shall be re-numbered as sub-section (3) and in sub-section (3) as so re-numbered, in clause (b), the words "or as the case may be, sixty-two years," shall be omitted.

Amendment of section 8.

8. In section 8 of the principal Act, for the portion beginning with the words "for the time being, applicable to", and ending with words "apply to an Election Commissioner", the following shall be substituted, namely:—

"for the time being, applicable to a Judge of the Supreme Court under Chapter IV of the Supreme Court Judges (Conditions of Service) Act, 1958 and the rules made thereunder, shall, so far as may be, apply to the Chief Election Commissioner and other Election Commissioners.". 41 of 1958.

Insertion of new Chapter III.

9. After section 8 of the principal Act, the following Chapter shall be inserted, namely:—

"CHAPTER III

TRASACTION OF BUSINESS OF ELECTION COMMISSION

Transaction of business of Election Commission.

9. The business of the Election Commission shall be transacted in accordance with the provisions of this Act.

Disposal of business by Election Commission.

10. (*1*) The Election Commission may, by unanimous decision, regulate the procedure for transaction of its business as also allocation of its business amongst the Chief Election Commissioner and other Election Commissioners.

(*2*) Save as provided in sub-section (*1*), all business of the Election Commission shall, as far as possible, be transacted unanimously.

(*3*) Subject to the provisions of sub-section (*2*), if the Chief Election Commissioner and other Election Commissioners differ in opinion on any matter, such matter shall be decided according to the opinion of the majority.".

SHANKER DAYAL SHARMA,
President.

K. L. MOHANPURIA,
Secy. to the Govt. of India.

PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI
AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1993.